

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/563,794

(U.S. Nat'l Phase of Int'l Appl.
No. PCT/EP2004/006914)

Int'l Filing Date: June 25, 2004

For: **Active Agents Combination
Exhibiting Insecticidal and
Acaricide Properties**

Confirmation No.: 3039

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 2400.0160000/VLC/THN

**Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

Mail Stop PCT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP53** and **NPL1** to **NPL16** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent publications cited on the attached Form PTO/SB/08A, documents **US1** to **US5**, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1**, **FP2**, **FP5** to **FP11**, **FP13** to **FP31**, **FP33** to **FP35**, **FP37** to **FP48**, **FP50**, **FP52**, and **FP53**, cited on Form PTO/SB/08A:

Document **FP1**, DE 26 41 343 A1, is in the German language. An English language abstract of document FP1 is cited as document **NPL1** and submitted herewith.

Document **FP2**, EP 0 210 487 A1, is in the German language. An English language abstract of document FP2 is cited as document **NPL2** and submitted herewith.

Document **FP5**, EP 0 355 599 A1, is in the German language. An English language abstract of document FP5 is cited as document **NPL3** and submitted herewith.

Document **FP6**, EP 0 377 893 A2, is in the German language. An English language abstract of document FP6 is cited as document **NPL4** and submitted herewith.

Document **FP7**, EP 0 415 211 A2, is in the German language. An English language abstract of document FP7 is cited as document **NPL5** and submitted herewith.

Document **FP8**, EP 0 442 073 A2, is in the German language. An English language abstract of document FP8 is cited as document **NPL6** and submitted herewith.

Document **FP9**, EP 0 442 077 A2, is in the German language. An English language abstract of document FP9 is cited as document **NPL7** and submitted herewith.

Document **FP10**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP10 is cited as document **NPL8** and submitted herewith.

Document **FP11**, EP 0 521 334 A1, is in the German language. An English language abstract of document FP11 is cited as document **NPL9** and submitted herewith.

Document **FP13**, WO 93/22297 A1, is in the Japanese language. An English language abstract of document FP13 can be found on the face page of the published patent application.

Document **FP14**, EP 0 596 298 A2, is in the German language. An English language abstract of document FP14 is cited as document **NPL10** and submitted herewith.

Document **FP15**, EP 0 613 884 A2, is in the German language. An English language abstract of document FP15 is cited as document **NPL11** and submitted herewith.

Document **FP16**, EP 0 613 885 A2, is in the German language. An English language abstract of document FP16 is cited as document **NPL12** and submitted herewith.

Document **FP17**, WO 95/01358 A1, is in the German language. An English language abstract of document FP17 can be found on the face page of the published patent application.

Document **FP18**, WO 95/20572 A1, is in the German language. An English language abstract of document FP18 can be found on the face page of the published patent application.

Document **FP19**, EP 0 668 267 A1, is in the German language. An English language abstract of document FP19 is cited as document **NPL13** and submitted herewith.

Document **FP20**, WO 95/26954 A1, is in the German language. An English language abstract of document FP20 can be found on the face page of the published patent application.

Document **FP21**, WO 96/25395 A1, is in the German language. English language equivalents of document FP21 are listed as documents **US2** and **US3**.

Document **FP22**, WO 96/35664 A1, is in the German language. An English language abstract of document FP22 can be found on the face page of the published patent application.

Document **FP23**, WO 97/01535 A1, is in the German language. An English language abstract of document FP23 can be found on the face page of the published patent application.

Document **FP24**, WO 97/02243 A1, is in the German language. An English language abstract of document FP24 can be found on the face page of the published patent application.

Document **FP25**, WO 97/36868 A1, is in the German language. An English language abstract of document FP25 can be found on the face page of the published patent application.

Document **FP26**, WO 97/43275 A2, is in the German language. An English language abstract of document FP26 can be found on the face page of the published patent application.

Document **FP27**, WO 98/05638 A2, is in the German language. An English language abstract of document FP27 can be found on the face page of the published patent application.

Document **FP28**, WO 98/06721 A1, is in the German language. An English language abstract of document FP28 can be found on the face page of the published patent application.

Document **FP29**, WO 98/25928 A1, is in the German language. An English language abstract of document FP29 can be found on the face page of the published patent application.

Document **FP30**, WO 99/16748 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the published patent application.

Document **FP31**, WO 99/24437 A1, is in the German language. An English language abstract of document FP31 can be found on the face page of the published patent application.

Document **FP33**, WO 99/43649 A1, is in the German language. An English language abstract of document FP33 can be found on the face page of the published patent application.

Document **FP34**, WO 99/48869 A1, is in the German language. An English language abstract of document FP34 can be found on the face page of the published patent application.

Document **FP35**, WO 99/55673 A1, is in the German language. An English language abstract of document FP35 can be found on the face page of the published patent application.

Document **FP37**, WO 01/00575 A1, is in the Japanese language. An English language abstract of document FP37 can be found on the face page of the published patent application.

Document **FP38**, WO 01/00599 A1, is in the Japanese language. An English language abstract of document FP38 can be found on the face page of the published patent application.

Document **FP39**, WO 01/02354 A1, is in the Japanese language. An English language abstract of document FP39 can be found on the face page of the published patent application.

Document **FP40**, WO 01/21576 A1, is in the Japanese language. An English language abstract of document FP40 can be found on the face page of the published patent application.

Document **FP41**, WO 01/23354 A2, is in the German language. An English language abstract of document FP41 can be found on the face page of the published patent application.

Document **FP42**, WO 01/46124 A1, is in the Japanese language. An English language abstract of document FP42 can be found on the face page of the published patent application.

Document **FP43**, JP 2001-335559A, is in the Japanese language. An English language abstract of document FP43 is cited as document **NPL14** and submitted herewith.

Document **FP44**, WO 02/30199 A1, is in the German language. An English language equivalent of document FP44 is listed as document **US5**.

Document **FP45**, WO 02/062807 A1, is in the German language. An English language abstract of document FP45 can be found on the face page of the published patent application.

Document **FP46**, WO 02/087334 A1, is in the Japanese language. An English language equivalent of document FP46 is listed as document **US4**.

Document **FP47**, WO 02/088074 A1, is in the Japanese language. An English language abstract of document FP47 can be found on the face page of the published patent application.

Document **FP48**, WO 02/088075 A1, is in the Japanese language. An English language abstract of document FP48 can be found on the face page of the published patent application.

Document **FP50**, WO 02/094766 A1, is in the Japanese language. An English language abstract of document FP50 can be found on the face page of the published patent application.

Document **FP52**, WO 01/74770 A1, is in the German language. An English language abstract of document FP52 can be found on the face page of the published patent application.

Document **FP53**, WO 95/01971 A1, is in the German language. An English language abstract of document FP53 can be found on the face page of the published patent application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Vincent L. Capuano
Attorney for Applicants
Registration No. 42,3859

Date: 2/7/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

590315v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|---|----|---|--------------------------|--------------------------------------------------------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | 10/563,794 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/006914) |
| | | | | Int'l Filing Date | June 25, 2004 |
| | | | | First Named Inventor | FISCHER, Reiner |
| | | | | Art Unit | To be assigned |
| | | | | Examiner Name | To be assigned |
| Sheet | 1 | of | 6 | Attorney Docket Number | 2400.0160000/VLC/THN |

| U.S. PATENT DOCUMENTS | | | | | |
|--------------------------------|-----------------------|------------------------------------------|--------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|
| Examiner Initials [*] | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | US1 | 3,364,177 | 01/16/1968 | Bremmer, B.J. | |
| | US2 | 6,358,887 B1 | 03/19/2002 | Fischer <i>et al.</i> | |
| | US3 | 2003/045432 A1 | 03/06/2003 | Fischer <i>et al.</i> | |
| | US4 | 2004/077500 A1 | 04/22/2004 | Sakata <i>et al.</i> | |
| | US5 | 2004/102326 A1 | 05/27/2004 | Fischer <i>et al.</i> | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------------|-----------------------|---------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|----------------|
| Examiner Initials [*] | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T ⁶ |
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | |
| | FP1 | DE 26 41 343 A1 | 04/07/1977 | E.I. du Pont de Nemours and Co. | Abs |
| | FP2 | EP 0 210 487 A1 | 02/04/1987 | Ciba-Geigy AG | Abs |
| | FP3 | EP 0 234 045 A2 | 09/02/1987 | Nihon Nohyaku Co., Ltd. | |
| | | EP 0 234 045 A3 | | | |
| | FP4 | EP 0 347 488 A1 | 12/27/1989 | American Cyanamid Company | |
| | FP5 | EP 0 355 599 A1 | 02/28/1990 | Bayer AG | Abs |
| | FP6 | EP 0 377 893 A2 | 07/18/1990 | Bayer AG | Abs |
| | | EP 0 377 893 A3 | | | |
| | FP7 | EP 0 415 211 A2 | 03/06/1991 | Bayer AG | Abs |
| | | EP 0 415 211 A3 | | | |
| | FP8 | EP 0 442 073 A2 | 08/21/1991 | Bayer AG | Abs |
| | | EP 0 442 073 A3 | | | |
| | FP9 | EP 0 442 077 A2 | 08/21/1991 | Bayer AG | Abs |
| | | EP 0 442 077 A3 | | | |

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

| | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|---|----|---|--------------------------|--------------------------------------------------------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | 10/563,794 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/006914) |
| | | | | Int'l Filing Date | June 25, 2004 |
| | | | | First Named Inventor | FISCHER, Reiner |
| | | | | Art Unit | <i>To be assigned</i> |
| | | | | Examiner Name | <i>To be assigned</i> |
| | | | | Attorney Docket Number | 2400.0160000/VLC/THN |
| Sheet | 4 | of | 6 | | |

[illegible]

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-----------------------|------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T ⁶ |
| | | Country Code ² Number ⁴ Kind Code ⁵ (if known) | | | |
| | FP28 | WO 98/06721 A1 | 02/19/1998 | Bayer Aktiengesellschaft and Fischer <i>et al.</i> | Abs |
| | FP29 | WO 98/25928 A1 | 06/18/1998 | Bayer Aktiengesellschaft and Hagemann <i>et al.</i> | Abs |
| | FP30 | WO 99/16748 A1 | 04/08/1999 | Bayer Aktiengesellschaft and Fischer <i>et al.</i> | Abs |
| | FP31 | WO 99/24437 A1 | 05/20/1999 | Bayer Aktiengesellschaft and Hagemann <i>et al.</i> | Abs |
| | FP32 | EP 0 919 542 A2 EP 0 919 542 A3 | 06/02/1999 | Nihon Nohyaku Co., Ltd. | |
| | FP33 | WO 99/43649 A1 | 09/02/1999 | Bayer Aktiengesellschaft and Lieb <i>et al.</i> | Abs |
| | FP34 | WO 99/48869 A1 | 09/30/1999 | Bayer Aktiengesellschaft and Lieb <i>et al.</i> | Abs |
| | FP35 | WO 99/55673 A1 | 11/04/1999 | Bayer Aktiengesellschaft and Lieb <i>et al.</i> | Abs |
| | FP36 | EP 1 006 107 A2 EP 1 006 107 A3 | 06/07/2000 | Nihon Nohyaku Co., Ltd. | |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). * See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. * Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. * Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

| | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|---|----|---|--------------------------|--------------------------------------------------------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | 10/563,794 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/006914) |
| | | | | Int'l Filing Date | June 25, 2004 |
| | | | | First Named Inventor | FISCHER, Reiner |
| | | | | Art Unit | <i>To be assigned</i> |
| | | | | Examiner Name | <i>To be assigned</i> |
| Sheet | 6 | of | 6 | Attorney Docket Number | 2400.0160000/VLC/THN |

[illegible]

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|--------------------------|------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T ⁶ |
| | | Country Code ² Number ³ Kind Code ⁵ (if known) | | | |
| | FP46 | WO 02/087334 A1 | 11/07/2002 | Nihon Nohyaku Co., Ltd. and Sakata <i>et al.</i> | |
| | FP47 | WO 02/088074 A1 | 11/07/2002 | Nihon Nohyaku Co., Ltd. and Nakao <i>et al.</i> | Abs |
| | FP48 | WO 02/088075 A1 | 11/07/2002 | Nihon Nohyaku Co., Ltd. and Harayama <i>et al.</i> | Abs |
| | | WO 02/094765 A2 WO 02/094765 A3 | 11/28/2002 | Nihon Nohyaku Co., Ltd. and Goto <i>et al.</i> | |
| | FP50 | WO 02/094766 A1 | 11/28/2002 | Nihon Nohyaku Co., Ltd. and Goto <i>et al.</i> | Abs |
| | FP51 | EP 1 380 209 A1 | 01/14/2004 | Nihon Nohyaku Co., Ltd. | |
| | FP52 | WO 01/74770 A1 | 10/11/2001 | Bayer Aktiengesellschaft and Ruther <i>et al.</i> | Abs |
| | FP53 | WO 95/01971 A1 | 01/19/1995 | Bayer Aktiengesellschaft and Bachmann <i>et al.</i> | Abs |

589905v2

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|------------------------------------------------------------------------------------------------------|---|----|---|--------------------------|--------------------------------------------------------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | 10/563,794 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/006914) |
| | | | | Int'l Filing Date | June 25, 2004 |
| | | | | First Named Inventor | FISCHER, Reiner |
| | | | | Art Unit | To be assigned |
| | | | | Examiner Name | To be assigned |
| Sheet | 1 | of | 2 | Attorney Docket Number | 2400.0160000/VLC/THN |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ² |
| | NPL1 | Dialog File 351, Accession No. 1284894, Derwent WPI English language abstract for DE 26 41 343 A1 (listed on accompanying PTO/SB/08A as document FP1) | |
| | NPL2 | Dialog File 351, Accession No. 3940248, Derwent WPI English language abstract for EP 0 210 487 A1 (listed on accompanying PTO/SB/08A as document FP2) | |
| | NPL3 | Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP5) | |
| | NPL4 | Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2 (listed on accompanying PTO/SB/08A as document FP6) | |
| | NPL5 | Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP7) | |
| | NPL6 | Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP8) | |
| | NPL7 | Dialog File 351, Accession No. 5637204 Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP9) | |
| | NPL8 | Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP10) | |
| | NPL9 | Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP11) | |
| | NPL10 | Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP14) | |

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|---|----|---|--------------------------|--------------------------------------------------------------------|
| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | 10/563,794 (U.S. Nat'l/Phase of Int'l Appl. No. PCT/EP2004/006914) |
| | | | | Int'l Filing Date | June 25, 2004 |
| | | | | First Named Inventor | FISCHER, Reiner |
| | | | | Art Unit | To be assigned |
| | | | | Examiner Name | To be assigned |
| Sheet | 2 | of | 2 | Attorney Docket Number | 2400.0160000/VLC/THN |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ² |
| | NPL11 | Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP15) | |
| | NPL12 | Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP16) | |
| | NPL13 | Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 A1 (listed on accompanying PTO/SB/08A as document FP19) | |
| | NPL14 | Patent abstracts of Japan, English language abstract of JP 2001-335559A (listed on accompanying PTO/SB/08A as document FP43) | |
| | NPL15 | International Search Report for International Application No. PCT/EP2004/006914, European Patent Office, Netherlands, mailed on November 15, 2004 | |
| | NPL16 | Colby, S.R., "Calculating Synergistic and Antagonistic Responses of Herbicide Combinations," <i>Weeds</i> 15:20-22, Weed Society of America (1967) | |
| | | | |
| | | | |
| | | | |

589906v1

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.